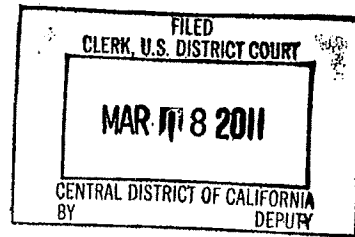


COPY



1 ROBERT R. CROSS (State Bar No. 56814)
 E-Mail: *rcross@sideman.com*
 2 CONSTANCE J. YU (State Bar No. 182704)
 E-Mail: *cju@sideman.com*
 3 SIDEMAN & BANCROFT LLP
 One Embarcadero Center, Eighth Floor
 4 San Francisco, California 94111-3629
 Telephone: (415) 392-1960
 5 Facsimile: (415) 392-0827

6 Attorneys for June Newton

7
 8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

10
 11 JUNE NEWTON,

12 Plaintiff,

13 v.

14 NORMAN SOLOMON, an individual,
 15 ART & ARTIFACT THE
 PHOTOGRAPHIC ART CENTER,
 16 CELEBRITY INC., a Delaware
 corporation dba in California as
 17 CELEBRITY VAULT, INC.,

18 Defendants.

CASE NO. **CV11-2350** ^{MRP} _(VBKx)

**COMPLAINT FOR COPYRIGHT
 INFRINGEMENT, CONVERSION
 AND VIOLATION OF CAL. CIVIL
 CODE § 1740 ET SEQ.**

[DEMAND FOR JURY TRIAL]

19
 20 Plaintiff June Newton ("Plaintiff" or "Mrs. Newton") hereby alleges as
 21 follows:

22 **JURISDICTION AND VENUE**

23 1. Jurisdiction. This action is brought, and jurisdiction lies within this
 24 court, pursuant to 28 U.S.C. §§ 1331, 1332, 1338 and 1367. This Court has federal
 25 question jurisdiction pursuant to 28 U.S.C. § 1331 in this matter in that Plaintiff
 26 seeks damages against Defendants named herein under Sections 501 through 505 of
 27 the Copyright Act of the United States, 17 U.S.C. §§ 101 *et seq.* This Court has
 28 diversity jurisdiction pursuant to 28 U.S.C. § 1332 as the controversy exists between

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SAN FRANCISCO, CALIFORNIA 94111

1 Plaintiff, domiciled in the Principality of Monaco, and Defendants, who are citizens
2 of California. Furthermore this Court has jurisdiction over the subject matter of this
3 action pursuant to 28 U.S.C. §§ 1338(a) and 1338(b). Finally, this Court has
4 supplemental jurisdiction under the principles of pendent jurisdiction as codified in
5 28 U.S.C. § 1367.

6 2. As the actions that gave rise to this controversy took place primarily in
7 the County of Los Angeles, this action shall be assigned to the Western Division.

8 3. Venue lies within this district pursuant to 28 U.S.C. § 1391(b)(1) as
9 Defendant Norman Solomon (“Solomon”) resides or has resided in this district;
10 pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events and
11 omissions giving rise to Plaintiff’s claims alleged herein occurred in this district;
12 and pursuant to 28 U.S.C. § 1391(c), Defendants Art & Artifact The Photographic
13 Art Center (“Art & Artifact”) and Celebrity, Inc. (“Celebrity Vault”) are subject to
14 personal jurisdiction in this district as each of their business addresses are within
15 this judicial district at the time the action was commenced.

16 THE PARTIES

17 4. Plaintiff is and at all times material herein has been an individual
18 domiciled in the Principality of Monaco.

19 5. On information and belief, Solomon is an individual who resides or has
20 resided in Los Angeles, California.

21 6. On information and belief, Defendant Art & Artifact is doing business
22 in Los Angeles, California but is not currently registered as a business entity with
23 the State of California. Plaintiff further alleges that Art & Artifact is affiliated with
24 Defendant Solomon. See www.art-artifact.com.

25 7. On information and belief, at all times material herein Defendant Art &
26 Artifact was the agent of Defendant Solomon, and in doing the things herein
27 alleged, was acting within the course and scope of such agency.

28 ///

1 8. On information and belief, Defendant CelebrityVault is a Delaware
2 corporation doing business in California as Celebrity Vault, Inc. On information
3 and belief, Celebrity Vault has a gallery in Beverly Hills, California. See
4 www.thecelebrityvault.com. On information and belief, Celebrity Vault has
5 surrendered its qualification to do business in California.

6 **ALLEGATIONS COMMON TO EACH CAUSE OF ACTION**

7 9. Plaintiff is the widow and sole heiress of the fine arts photographer
8 Helmut Newton (“Artist”), now deceased (1920-2004). Mrs. Newton is the
9 exclusive owner of all worldwide copyrights in photographs of Artist.

10 10. In 1983, Artist created a limited collection of certain of his
11 photographs, known as the “Private Property Collection.” Each portfolio in the
12 Private Property Collection consisted of three “suites” of 15 photographs each, for a
13 total of 45 photographs per portfolio. Each photograph was printed as a gelatin
14 silver print, signed, consecutively numbered in pencil and copyright stamped. Artist
15 intended that the full edition of the Private Property Collection would be limited to
16 75 portfolios, all of which were printed (the “Photographs”).

17 11. Starting about December 1984, Artist engaged Spectrum Enterprises,
18 Limited (“Spectrum Enterprises”) in Los Angeles, California to assist him in
19 promoting the Photographs. Plaintiff is informed and believes, and alleges thereon,
20 that on or about December 14, 1984, Artist and Spectrum Enterprises, represented
21 by Solomon, entered into a written agreement, designated the “Portfolio
22 Agreement,” memorializing the promoter relationship. Spectrum Enterprises
23 acknowledged in the Portfolio Agreement that all copyrights in Artist’s work
24 belonged solely to Artist, that it had a limited license to market and distribute the
25 work in portfolio form, and that it did not receive any express or implied license to
26 use Artist’s materials without his authorization.

27 12. In the course of this engagement, Artist provided Spectrum Enterprises
28 and Solomon with certain photographic works comprising the Photographs.

13. Solomon represented as late as August 2010 that he was provided with three complete portfolios of the Photographs but that each of the portfolios was provided to fine arts galleries in London, Paris and Los Angeles with Artist's permission and authorization.

14. After the sale of approximately 25 portfolios, Artist decided that no further portfolios should be sold and that the remaining Photographs produced for the Private Property Collection were not to be sold or released into the marketplace.

15. The Portfolio Agreement terminated pursuant to its own terms no later than August 1, 1986, and all rights thereunder reverted to Artist. Thereafter, Solomon and Spectrum Enterprises had no further right to possess, distribute or sell Artist's works, including the Photographs, or the promotional materials that accompanied them.

16. On information and belief, Plaintiff alleges that after the expiration of the Portfolio Agreement, Solomon wrongfully retained certain unsold Photographs and/or other promotional materials that Solomon and/or Spectrum Enterprises were entitled to use solely for promotional purposes during the term of the Portfolio Agreement.

17. Each of the Photographs was first published in a country that was then a party to the Universal Copyright Convention (a "UCC Party"), or while Artist was domiciled in a country that was then a UCC Party and while the United States of America was also a UCC Party. Accordingly, the Photographs are subject to copyright protection under the Copyright Act of 1976. 17 U.S.C. § 104(b)(1), (2).

18. Because of the limited production and sales of the Private Property Collection, the Photographs are extremely valuable. At the time of the Portfolio Agreement, portfolios sold for at least \$7,500. A complete portfolio presently has an estimated value in excess of \$250,000 – \$350,000.

19. On information and belief, in or about February 2011 and thereafter, Defendants Art & Artifact and Celebrity Vault offered for sale on an internet

1 auction site, eBay, certain photographic prints from the Private Property Collection,
2 one example of which is set forth below:

3 “Helmut Newton B&W print of “Shoe” Monte Carlo 1983
4 This amazing print is exculsively (sic) from his private
5 collection. Helmut Newton was mostly known for his
6 spectacular fashion photography.

7 We are excited to announce our complete new line of
8 some of Helmut Newton’s amazing provocative and
9 erotically charged B&W photography. These prints are
10 from his private collection. These are all 11” X 17” prints.
11 We are able to offer these limited prints to you at slightly
12 under retail value. Every print comes with a COA and is
13 shipped in a stiff mailer” (See attached hereto as a true
14 and correct copy of the eBay posting on February 23,
15 2011, **Exhibit A.**)

16 20. On information and belief, in or about February 2011 and thereafter,
17 Defendants Art & Artifact and Celebrity Vault offered for sale on eBay certain
18 “original lithographs” featuring images from the Private Property Collection, one
19 example of which as set forth below:

20 “CELEBRITY vault

21 Proudly presents

22 HELMUT NEWTON *PRIVATE PROPERTY*

23 Original Fine Art Lithographs

24 In 1984, Norman Soloman produced Helmut Newton's
25 limited edition portfolio titled *Private Property*, which
26 was introduced at gallery exhibitions in Paris and London.
27 At the same time, Mr. Soloman also published a limited
28 edition series of Fine Art Lithographs featuring many of
Mr. Newton’s most iconic images from the *Private Property* collection. Twenty-five years later, Celebrity Vault is excited to announce that we are exclusively re-introducing the same lithographic series representing twenty of the most valuable Images from the *Private Property* collection.

The original 16”x 20” signed limited edition sliver gelatin prints from the *Private Property* collection have skyrocketed in value, especially since Newton’s passing in 2004, making the images in this limited edition series of fine art reproductions from the original negatives a particularly notable piece of photographic history.

1 The large 25"x 38" *Private Property* original lithographs,
2 each featuring an iconic image that catapulted Newton into
3 being one of the most well-known and coveted
4 photographers in the world, will soon be exclusively
5 available for purchase at Celebrity Vault and Art &
6 Artifact!" (See attached hereto as a true and correct copy
7 of the eBay posting on March 16, 2011, **Exhibit B.**)

8 21. On information and belief, on or before March 2011, Defendant Art &
9 Artifact generally offered for sale on its gallery website certain "lithographic
10 reproductions" of images from the Private Property Collection. See attached hereto
11 as a true and correct copy of Defendant Art & Artifact webpages depicting images
12 of the unauthorized copies of the Photographs in March 2011, **Exhibit C.**

13 22. On information and belief, on or before March 2011, Defendant
14 Celebrity Vault generally offered for sale on its gallery website and sold certain
15 "fine art lithograph[s]" of images from the Private Property Collection. See
16 attached hereto as a true and correct copy of Defendant Celebrity Vault webpages
17 depicting images of the unauthorized copies of the Photographs in March 2011,
18 **Exhibit D.**

19 23. As a direct result of Defendant Solomon's actions in failing to return
20 and secretly retaining Photographs and/or promotional materials derived from the
21 Photographs, Plaintiff has been damaged in an amount to be determined at trial by
22 Defendants' offer for sale and sale of certain unauthorized photographic works
23 belonging to Plaintiff.

24 24. In February and March 2011, Plaintiff's counsel notified Defendants
25 that Defendants' offer for sale and sale of Photographs and/or promotional materials
26 were infringing on Plaintiff's protected copyrights, and demanded that Defendants
27 cease and desist from further infringing activity. To date, Defendants have not
28 ceased offering for sale the infringing materials. Thus, the conduct of Defendants
and each of them is willful and justifies the imposition of enhanced damages.

///

FIRST CLAIM FOR RELIEF**(Against All Defendants for Copyright Infringement – 17 U.S.C. §106 *et seq.*)**

25. Plaintiff incorporates by this reference each and every allegation contained in paragraphs 1 through 24 above, as though fully set forth.

26. Plaintiff is the owner of all worldwide copyrights in Artist's work, including the Photographs. Plaintiff has the exclusive right to distribute copies of the Photographs to the public by sale or other transfer of ownership pursuant to section 106(3) of the Copyright Act.

27. Within the last two years, Defendants infringed upon Plaintiff's copyrights by offering for sale copies of the Photographs without authorization. Upon information and belief, Defendants have disseminated and sold unauthorized copies of the Photographs on multiple occasions.

28. In undertaking the conduct complained of in this action, Defendants knowingly, intentionally, and willfully violated Plaintiff's copyrights.

29. Except for the limited purpose described above with regard to the Portfolio Agreement, Artist did not authorize, and Plaintiff has not authorized, Defendants to use, reproduce, sell, offer for sale or distribute all or any part or portion of the Photographs for any purpose whatsoever.

30. By reason of Defendants' infringement, Plaintiff has sustained and will continue to sustain substantial injury, loss and damage to her ownership rights in the Photographs.

31. Further irreparable harm to Plaintiff is imminent as a result of Defendants' conduct, and Plaintiff is without an adequate remedy at law. Plaintiff is entitled to an injunction restraining Defendants, their officers, directors, agents, employees, representatives and all persons acting in concert with them from engaging in further such acts of copyright infringement.

32. Based upon Defendants' willful infringement, Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of

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1 Defendants' acts of copyright infringement. Plaintiff is at present unable to
2 ascertain the full extent of the monetary damage she have suffered by reason of
3 Defendants' acts of copyright infringement, but is informed and believes, and on the
4 basis of such information and belief alleges, that Plaintiff has sustained such damage
5 in an amount exceeding \$300,000.

6 33. Plaintiff is further entitled to recover from Defendants the gains, profits
7 and advantages they have obtained as a result of their acts of copyright
8 infringement. Plaintiff is at present unable to ascertain the full extent of the gains,
9 profits and advantages Defendants have obtained by reason of their acts of copyright
10 infringement.

11 34. Plaintiff is also entitled to reasonable attorneys' fees and costs she has
12 and/or will incur with respect to the infringement of the Photographs subject to the
13 protected copyrights.

14 **SECOND CLAIM FOR RELIEF**
15 **(Against Defendant Solomon for Conversion)**

16 35. Plaintiff incorporates by this reference each and every allegation
17 contained in paragraphs 1 through 34 above, as though fully set forth.

18 36. Plaintiff alleges on information and belief that Defendant Solomon
19 retained Photographs and other materials belonging to Artist that were intended for
20 promotional use only and subsequently attempted to sell or distribute Artist's
21 property, including the Photographs.

22 37. Except for the limited purpose described above and in the Portfolio
23 Agreement, Artist did not authorize, and Plaintiff has not authorized, Defendant
24 Solomon to use any part or portion of Photographs or other materials belonging to
25 Artist for any purpose whatsoever.

26 38. The aforementioned acts of Defendant Solomon were willful,
27 oppressive, fraudulent and/or malicious.

28 39. As a result of Defendant Solomon's willful and intentional conversion

1 of Artist's property, now belonging to Mrs. Newton, Plaintiff has incurred damages
2 in an amount to be determined at trial.

3 **THIRD CLAIM FOR RELIEF**
4 **(Against all Defendants for Violation of California Full Disclosure In the Sale**
5 **of Fine Prints – Cal. Civil Code §1740 *et seq.*)**

6 40. Plaintiff incorporates by this reference each and every allegation
7 contained in paragraphs 1 through 39 above, as though fully set forth.

8 41. California's Sale of Fine Prints, Cal. Civil Code § 1740 *et seq.* ("Sale
9 of Fine Prints Law"), makes it unlawful for anyone, including Defendants, to trade
10 in fine arts prints without the disclosures required by sections 1742 and 1744
11 therein, and without a certificate of authenticity ("COA"). (Cal. Civ. Code §§ 1740-
12 1745.9).

13 42. On information and belief, Plaintiff alleges that the advertisements
14 and/or COAs accompanying Defendants' offer for sale of Artist's work created by
15 Artist and belonging to Plaintiff, contains false and/or misleading information
16 including, but limited to, statements that the fine arts prints offered are "exculsively
17 (sic) from [Artist's] private collection" and are "Original Fine Art Lithographs."

18 43. On information and belief, Defendant Solomon wrongfully retained
19 Artist's work and/or promotional materials beyond the term of the Portfolio
20 Agreement and that Defendant Solomon is the source of the unauthorized
21 Photographs now being sold by Defendants. While Artist was living, Artist did not
22 know or have reason to know of or suspect Defendant Solomon's wrongful conduct,
23 and until the publication of Defendants' offer for sale of Photographs, Plaintiff did
24 not know or have reason to know of or suspect Solomon's wrongful conduct.

25 44. As a result of Defendants' wrongful actions, Plaintiff is entitled to
26 injunctive relief under the Sale of Fine Prints Law. (Cal. Civ. Code §1745.5(b)).

27 45. Furthermore, as a result of Defendant Solomon's willful and intentional
28 actions, including those justifying the imposition of exemplary damages, Plaintiff
has incurred damages in an amount to be determined at trial.

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DEMAND

WHEREFORE, Plaintiff prays for judgment as follows:

- A. For an order from this Court declaring that Plaintiff holds all rights and interests in the Photographs and is the owner of the stolen property.
- B. For an injunction restraining and enjoining Defendants from offering for sale, using, distributing, publishing, copying, reproducing, advertising, promoting, adapting, displaying or otherwise exploiting the Photographs.
- C. For an injunction mandating that Defendants deliver to Plaintiff any and all copies of the Photographs.
- D. For a complete accounting and disgorgement of profits attributable to Defendants' exploitation of the Photographs.
- E. For damages according to proof, plus interest at the legal rate;
- F. For an award of attorneys' fees and costs; and
- G. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury.

DATED: March 18, 2011

SIDEMAN & BANCROFT LLP
ROBERT R. CROSS
CONSTANCE J. YU

By: 

CONSTANCE J. YU
Attorneys for Plaintiff JUNE NEWTON

5692-1\1178114v1

EXHIBIT A

Helmut Newton Print featuring 'Shoe' incl COA bei eBay.de: Contemporary 1940-N... Page 1 of 4

ebay Willkommen! Einloggen oder Neu anmelden

KATEGORIEN MODE MOTORS WOW! ANGEBOTE KLEINANZEIGEN

ebay KÄUFERSCHUTZ Bei Bezahlung mit PayPal

Zurück zu den Suchergebnissen | Kategorie: Collectibles > Photographic Images > Contemporary (1940-Now) > Celebrity > Other
Zweite Kategorie: Collectibles > Photographic Images > Contemporary (1940-Now) > Risque

Helmut Newton Print featuring 'Shoe' incl COA

Artikelzustand: --

Preis: US \$129,00
ca EUR 94,19

Preisvorschlag:

Versand: Lesen Sie die Artikelbeschreibung oder bitten Sie den Verkäufer um nähere Angaben
| Alle Details anzeigen
Artikelstandort: Beverly Hills CA Vereinigte Staaten von Amerika
Versand nach: Weltweit

Lieferung: Variiert

Zahlungen: **PayPal** | Siehe Zahlungsinformationen
Stars für Ihr Portemonnaie
Jetzt 25 € Startguthaben bei der eBay Kreditkarte sichern

Rücknehmen: Keine Rücknahme Dies ist ein Privatverkauf

ebay KÄUFERSCHUTZ Bei Bezahlung mit PayPal

Auf die Beobachtungsliste

Angaben zum Verkäufer
thecelebrityvault (8)
100% Positive Bewertungen

Diesen Verkäufer speichern
Andere Artikel anzeigen

Shop besuchen: The Celebrity Vault

Zoomen Vergrößern

Beschreibung Versand und Zahlungsmethoden Weiterempfehlen Drucken Melden

Der Verkäufer ist für dieses Angebot verantwortlich Artikelnummer: 110650913388

Letzte Aktualisierung am 04:38:24 MEZ 19 Feb 2011 Alle Änderungen anzeigen

Artikelmerkmale		
Listed By:	Dealer or Reseller	Color: Black & White
Date of Creation:	1950-Now	Framing: Unframed
Photo Type:	B&W Fashion	Size Type/Largest Dimension: 11X17
Subject:	Fashion & Costumes	

The Celebrity Vault Besuchen Sie meinen Shop

Für Newsletter anmelden

Shop-Kategorien

Startseite des eBay Shops

Fine Art

Memorabilia

Other



Steigen Sie der Bestecherzahlen auf Ihrer Leistungen mit Auctiva KOSTENLOS Galerie.



Helmut Newton Print featuring "Shoe" includes COA



DESCRIPTION

This is a Buy it now sale for a: Helmut Newton B&W print of "Shoe" Monte Carlo 1983. This amazing print is exclusively from his private collection. Helmut Newton was mostly known for his spectacular fashion photography.

We are excited to announce our complete new line of some of Helmut Newton's amazing provocative and erotically charged B&W photography. These prints are from his private collection. These are all 11" X 17" prints. We are able to offer these limited prints to you at slightly under retail value. Every print comes with a COA and is shipped in a stiff mailer.

Please check our eBay store frequently for more upcoming prints from Helmut Newton and other fine memorabilia. If

Fragen und Antworten zu diesem Artikel

Zu diesem Artikel wurden keine Fragen und Antworten eingestellt

Frage stellen

00015

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[Kleinanzeigen](#) | [mobile.de](#) | [PayPal](#) | [Shopping.com DE](#) | [Skype](#) | [Afterbuy](#)

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eBay-KAUFERSCHUTZ – [Sicherer Einkauf mit PayPal](#) max.

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EXHIBIT B

CATEGORIES STORES TRAVEL PROPERTY JOBS COMPUTER HOME & ELECTRONICS PHOTO CENTRE SELLER CENTRAL

Listed in category: Collectibles > Photographic Images > Contemporary (1940-Now) > Other Contemporary Images
 Also listed in: Collectibles > Photographic Images > Contemporary (1940-Now) > Risque

This listing has ended.



Zoom

Enlarge

Helmut Newton Print featuring "Woman into Man" COA

Item condition: --

Sold for: **US \$67.25**
 Approximately S\$ 86.12

[Add to list](#)

Postage: **US \$32.75** USPS Priority Mail International | [See all details](#)
 Estimated delivery time varies for items shipped from an international location.

Payments: **PayPal** | [See payment information](#)
 Get PayPal buyer protection for your item when you pay with PayPal | [See Terms](#)

Returns: No Returns Accepted

Seller info
thecelebrityvault (7)
 66.7% Positive feedback

[Ask a question](#)
[Save this seller](#)
[See other items](#)

Visit store:  **The Celebrity Vault**

Other item info

Item number: 110651044861
 Item location: Beverly Hills, CA,
 United States
 Post to: Worldwide

[Print](#) | [Report item](#)

[Share](#)

Description

Postage and payments

Seller assumes all responsibility for this listing.

Last updated on 11:36:18 SGT, Feb 19, 2011 [View all revisions](#)

Item specifics

Listed By: Dealer or Reseller
 Photo Type: B&W Fashion
 Framing: Unframed

Date of Creation: 1950-Now
 Color: Black & White
 Size Type/Largest Dimension: 11X17

The Celebrity Vault








Visit my eBay store 

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Store Categories

[Store home](#)
[Fine Art](#)
[Memorabilia](#)
[Other](#)

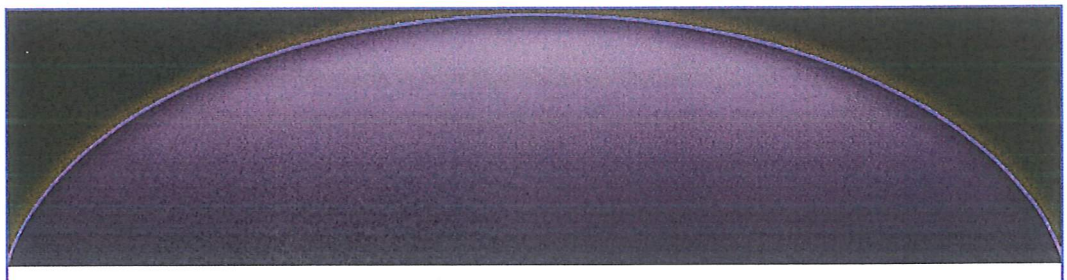
Check out these other items that I have on eBay right now!

 eGartney: photo by E. Aaron	 The Rolling Stones - OUT OF THEIR HEADS by G.	 Autographed Pete Rose Baseball-Includes	 Marc Baptiste Nudes - Ballerina - Limited - Incl. COA	 PHOTO DIARY by Lynn Goldsmith (Rizzoli-Publisher)	 Taxi Driver-Set with Piece of the Hollywood sign-COA	 The Rolling in Concert Ya-Ya's
--	--	--	---	--	---	---

Time Remaining: [Search](#) [Click here to browse all my eBay items!](#)

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Helmut Newton Print featuring "Woman into Man" includes COA



This is a Buy it now sale for a: Helmut Newton B&W print of "Woman into Man", Paris 1979. This amazing print is exclusively from his private collection. Helmut Newton was mostly known for his spectacular fashion photography.

We are excited to announce our complete new line of some of Helmut Newton's amazing provocative and erotically charged B&W photography. These prints are from his private collection.

These are all 11" X 17" prints. We are able to offer these limited prints to you at slightly under retail value. Every print comes with a COA and is shipped in a stiff mailer.

Please check our eBay store frequently for more upcoming prints from Helmut Newton and other fine memorabilia. If you are ever in the Beverly Hills area do not hesitate to stop by our gallery to view many of our memorabilia and artifacts. Please see our contact information at the bottom of this listing.

Thank you!

CELEBRITY vault

Proudly presents

HELMUT NEWTON *PRIVATE PROPERTY*

Original Fine Art Lithographs

In 1984, Norman Solomon produced Helmut Newton's limited edition portfolio titled *Private Property*, which was introduced at gallery exhibitions in Paris and London. At the same time, Mr. Solomon also published a limited edition series of Fine Art Lithographs featuring many of Mr. Newton's most iconic images from the *Private Property* collection. Twenty-five years later, Celebrity Vault is excited to announce that we are exclusively re-introducing the same lithographic series representing twenty of the most valuable images from the *Private Property* collection.

The original 16"x20" signed limited edition silver gelatin prints from the *Private Property* collection have skyrocketed in value, especially since Newton's passing in 2004, making the images in this limited edition series of fine art reproductions from the original negatives a particularly notable piece of photographic history.

The large 25"x38" *Private Property* original lithographs, each featuring an iconic image that catapulted Newton into being one of the most well-known and coveted photographers in the world, will soon be exclusively available for purchase at Celebrity Vault and Art & Artifact!

HELMUT NEWTON

Helmut Newton was Born *Helmut Neustädter* on 31st October 1920 in Berlin, Germany he was a prolific, widely imitated fashion photographer whose provocative and erotically charged black-and-white photos were a mainstay of Vogue and other publications.

EARLY LIFE - Born in Berlin to a German-Jewish button-factory owner and an American mother, Newton attended the Heinrich von Treitschke Real Gymnasium and the American School in Berlin. Helmut became interested in photography from the age of twelve when he purchased his first camera. He worked for the German photographer Yva (Elsie Neulander Simon) from 1936. The increasingly oppressive restrictions placed on Jews by the Nuremberg laws meant that his father lost control of the factory in which he manufactured buttons and buckles when he was briefly interned in a concentration camp in November 1938, which in turn compelled the family to leave Germany. Newton's parents fled to Chile. Helmut was issued with a passport just after turning 18, and left Germany on 5th December 1938. At Trieste he boarded the 'Conte Rosso' (along with about two hundred others escaping the Nazis) intending to journey to China. After arriving in Singapore he decided to remain there as a reporter for the *Straits Times* and worked as a portrait photographer.

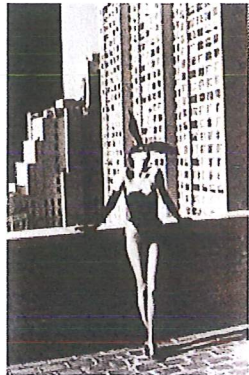


LIFE IN AUSTRALIA — Helmut Newton was interned by British authorities while in Singapore, and he was then sent to Australia on board the 'Queen Mary' in September 1940 where he travelled by train under armed guard to the camp of Tatura in Victoria. Helmut was released from internment in 1942 and then briefly worked as a fruit-picker in northern Victoria. In April 1942, he enlisted with the Australian Army and worked as a truck driver. After the war, in 1945 Helmut became an Australian citizen, and changed his name to Newton in 1946. In 1948 he married actress June Browne, who performed under the stage-name 'June Brunell'. She later became a successful photographer under the ironic pseudonym 'Alice Springs' (after the central Australian town of the same name).



In 1946, Newton set up a studio in fashionable *Flinders Lane* and worked on fashion and theatre photography in the affluent post-war years. He shared his first joint exhibition in May 1953 with Wolfgang Sievers, a German refugee like himself who had also served in the same camp. The exhibition of 'New Visions in Photography' was held at the Federal Hotel in *Collins Street* and was probably the first glimpse of 'New Objectivity' photography in Australia. Newton went into partnership with Henry Talbot, a fellow German Jew who had also been interned at Tatura. His association with the studio continued even after 1957 when he left Australia for London. The studio was renamed 'Helmut Newton and Henry Talbot'.

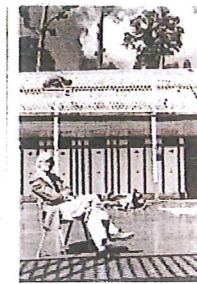
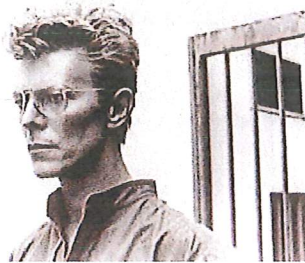
LONDON 1950s - Newton's growing reputation as a fashion photographer was rewarded when he secured a commission to illustrate fashions in a special Australian supplement for *Vogue* magazine which was published in January 1956. Helmut won a twelve-month contract with *British Vogue* and he left for London in February 1957, leaving Talbot to manage the business. He left the magazine before the end of his contract and went to Paris where he worked for French and German magazines. He returned to Melbourne in March 1959 to a contract for *Australian Vogue*.



PARIS 1960s — Helmut Newton settled in Paris in 1961 and continued work as a fashion photographer. His works appeared in magazines including, most significantly, *French Vogue* and *Harpers Bazaar*. He established a particular style marked by erotic and stylised scenes, often with sado-masochistic and fetishistic subtexts. A heart attack in 1970 slowed his output somewhat, but he extended his work. His notoriety and his fame greatly increased, notably with his 1980 "Big Nudes" series which marked the pinnacle of his erotic-urban style, underpinned with excellent technical skills. He also worked in portraiture and more fantastical studies.

Newton shot a number of pictorials for *Playboy*, working with models such as Nastassia Kinski and Kristine DeBell.

ESTABLISHMENT OF HELMUT NEWTON FOUNDATION Helmut Newton was extremely fond of his hometown of Berlin, and in October 2003 he donated an extensive photo collection to the Prussian Cultural Heritage Foundation, establishing the Helmut Newton Foundation. The foundation's aim is the conservation, protection and presentation of the oeuvre of Helmut Newton and Alice Springs.



In his later life, Helmut Newton lived in Monte Carlo and in Los Angeles. Helmut was killed on 23rd January 2004 when his car hit a wall in the driveway of the Chateau Marmont, the famous hotel on Sunset Boulevard which had for several years served as his residence in Southern California. It has been speculated that Newton suffered a heart attack in the moments before the collision. Helmut Newton's ashes are buried next to Marlene Dietrich in Berlin.

In 1984, Helmut Newton's only limited edition portfolio, titled *Private Property*, was first introduced at gallery exhibitions in Paris and London. At the same time, the original exhibition promoters also published a limited edition series of Fine Art Lithographs featuring many of Mr. Newton's most iconic images from the *Private Property* collection.

Twenty-five years later, we are again able to re-introduce this exquisite collection featuring many of the great images taken by one of the world's most renowned photographers.

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About.....

Launched in March 2006, Celebrity Vault has grown into one of the most prominent galleries in Los Angeles. Featured by numerous media outlets, such as People Magazine, Entertainment Tonight, LA Times, and Billboard Magazine, it has become a destination for tourists, locals, celebrities and royalty alike. Celebrity Vault represents a wide spectrum of artists, from celebrity photography icons like Bert Stern and Douglas Kirkland to contemporary artists, such as Cole Sternberg.

Celebrity Vault is open Sunday-Wednesday from 11am-6pm and Thursday-Saturday 11am-9pm and by appointment.



Celebrity Vault
345 North Canon Drive
Beverly Hills, CA 90210-4704
Telephone number is: 310-858-7815

Get directions: [Directions](#)

Email us at: info@thecelebrityvault.com

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EXHIBIT C



ART&ARTIFACT
THE PHOTOGRAPHIC ART CENTER



HELMUT NEWTON

HELMUT NEWTON PRIVATE PROPERTY
Original Fine Art Lithographs
Now available for purchase at our online store



yes



Frank Wirth

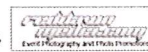


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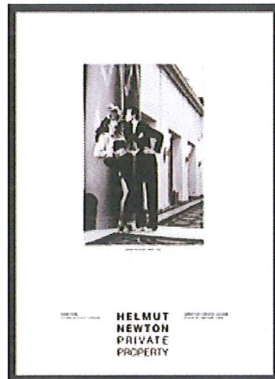
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FAQS

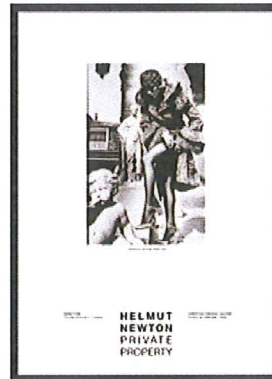
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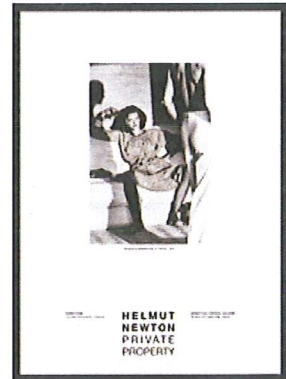
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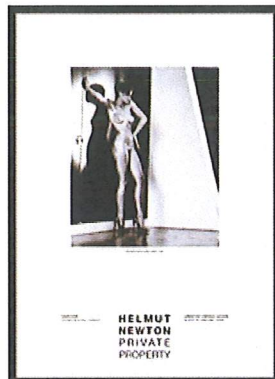
Woman Into Man



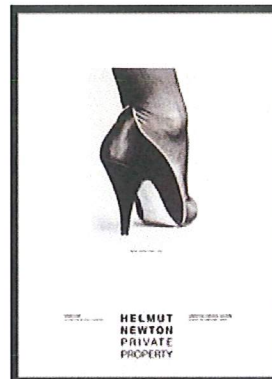
Woman In Fur Coat



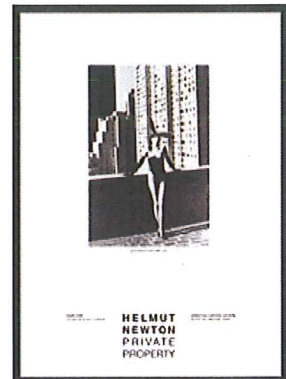
Woman Examining Man



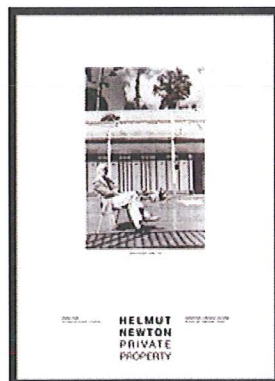
Sylvia In My Studio



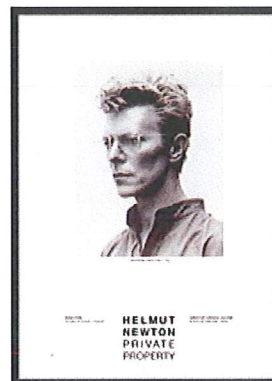
Shoe



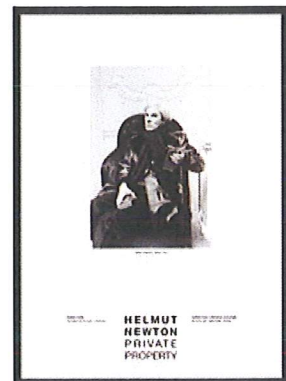
Elsa Peretti



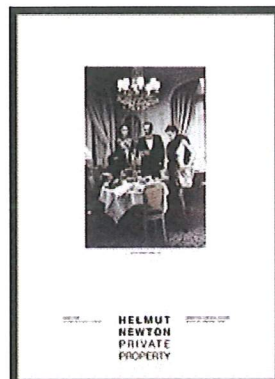
David Hockney



David Bowie



Andy Warhol








After Dinner

EXHIBIT D

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After Dinner, Paris 1977

fine art lithograph
25" x 38"






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ARTWORKS, LONDON

**HELMUT
NEWTON
PRIVATE
PROPERTY**

OPHEMIDREUGLAP
KUNSTGALERIE, AMST

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After Dinner, Paris 1977

fine art lithograph
25" x 38"

ARTIST
FELIX/STACEY/LOVE



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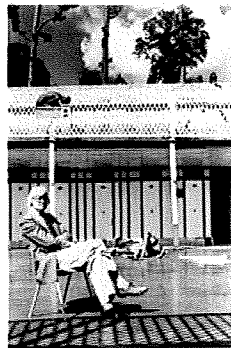
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25" x 38"






ARTIST'S
EDITION 1/100

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OPPOSITE
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After Dinner, Paris 1977

fine art lithograph
25" x 38"






ARTIST
HELMUT NEWTON

**HELMUT
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After Dinner, Paris 1977

fine art lithograph
25" x 38"






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After Dinner, Paris 1977

fine art lithograph
25" x 38"






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After Dinner, Paris 1977

fine art lithograph
25" x 38"






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After Dinner, Paris 1977

fine art lithograph
25" x 38"

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Mariana P. Pfaelzer and the assigned discovery Magistrate Judge is Victor B. Kenton.

The case number on all documents filed with the Court should read as follows:

CV11- 2350 MRP (VBKx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

The United States District Judge assigned to this case will review all filed discovery motions and thereafter, on a case-by-case or motion-by-motion basis, may refer discovery related motions to the Magistrate Judge for hearing and determination

=====:

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Robert R. Cross (SBN #56814)
 Constance J. Yu (SBN #182704)
 SIDEMAN & BANCROFT LLP
 One Embarcadero Center, 8th Floor
 San Francisco, CA 94111



ORIGINAL

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

JUNE NEWTON

PLAINTIFF(S)

v.
 NORMAN SOLOMON, an individual, ART &
 ARTIFACT THE PHOTOGRAPHIC ART CENTER,
 CELEBRITY INC., a Delaware corporation dba in
 California as CELEBRITY VAULT, INC.,

DEFENDANT(S).

CASE NUMBER

CV11-2350

MRP
 (VBKx)

SUMMONS

FAXED

TO:DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, _____, whose address is _____. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: _____

3-18-11

By: _____

[Signature]

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JUNE NEWTON	DEFENDANTS NORMAN SOLOMON, an individual, ART & ARTIFACT THE PHOTOGRAPHIC ART CENTER, CELEBRITY INC., a Delaware corporation dba in California as CELEBRITY VAULT, INC.,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Robert R. Cross (SBN #56814) Constance J. Yu (SBN #182704) SIDEMAN & BANCROFT LLP One Embarcadero Center, 8th Floor San Francisco, CA 94111	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:50%;"> Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country </td> <td style="width:50%;"> <table border="0"> <tr> <td>PTF</td> <td>DEF</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> </tr> <tr> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> </tr> <tr> <td><input checked="" type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> </tr> </table> </td> </tr> </table>	Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country	<table border="0"> <tr> <td>PTF</td> <td>DEF</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> </tr> <tr> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> </tr> <tr> <td><input checked="" type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> </tr> </table>	PTF	DEF		<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation
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<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State													
<input checked="" type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation													

IV. ORIGIN (Place an X in one box only.)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 17 U.S.C. §§ 101 et seq. (Copyright Infringement)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS - PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS - PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 61 HIA(1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW 405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: **CV11-2350**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Principality of Monaco

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involvedX. SIGNATURE OF ATTORNEY (OR PROPER):  Date March 18, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))